

ZONING BOARD OF APPEALS

JULY 18, 2022 MEETING OF ZONING BOARD OF APPEALS

MINUTES

Present: Chairman Scott DeMane, Meghan Weeden, Elizabeth Jent, P.J Whitbeck, Justin Stearns, Christine Hubbell
Kyle Burdo, Housing Code Inspector
James Welch, Housing Code Inspector

Absent: Kellie Porter

Also present: Mary Caron
Matthew Rivers
Joel and Karen Parker
Meghan Riley
Joan Janson
Elizabeth Arlt, Anthony Arlt

Mr. DeMane called the meeting to order at 7:02 PM. The following items were on the agenda.

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2322	MARY L. CARON 21 LOUISIANA AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL AN ACCESSORY STRUCTURE IN SIDE YARD
2323	MATTHEW RIVERS 10 TRAFALGAR DRIVE	CLASS B AREA VARIANCE REQUEST TO EXTEND FRONT PORCH LATERALLY BY 6 FEET, FRONT YARD SETBACK PROJECTION
2324	JOEL AND KAREN PARKER 56 LYNDE STREET	CLASS B AREA VARIANCE REQUEST TO REBUILD SIDE PORCH AND ADD COVER IN PRE-EXISTING FOOTPRINT INTO COMBINED SIDE YARD SETBACK
2325	MEGHAN RILEY 30 ST. JOHN STREET	CLASS B AREA VARIANCE REQUEST TO INSTALL POOL INTO FRONT YARD SETBACK AND INSTALL 6 FOOT HIGH PRIVACY FENCING INTO FRONT YARD SETBACK, CORNER LOT
2326	JOAN JANSEN 29 COGAN AVENUE	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT ROOF COVERING ATTACHED TO GARAGE ENCROACHING INTO REAR YARD SETBACK AND CREATING OVERAGE IN LOT COVERAGE.
2327	ELIZABETH ARLT 85 BOYNTON AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL 6 FOOT HIGH PRIVACY FENCING INTO FRONT YARD SETBACK, CORNER LOT

The **first** item heard is appeal 2322, Mary Caron, 21 Louisiana Avenue, Class B area variance request to install an accessory structure in side yard.

Discussion:

- Board and applicant discussion of application and site plan.
- Discussion of proposed location of shed.
- Rear yard has a significant drop off, making placement of shed impossible in rear yard.
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Public Comment: *None*

MOTION:

By: E. Jent seconded by: M. Weeden

IN REGARD TO APPEAL #2322, THE ZONING BOARD CHAIR REVIEWED THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND MAY CHECK NO OR SMALL IMPACT MAY OCCUR ON QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: M. Weeden, seconded by: E. Jent

MOTION TO APPROVE APPEAL #2322, CLASS B AREA VARIANCE REQUEST TO INSTALL AN ACCESSORY STRUCTURE IN SIDE YARD NO CLOSER TO ROAD THAN THE HOUSE, NOT GARAGE.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** item heard is appeal 2323, Matthew Rivers, 10 Trafalgar Drive, Class B area variance request to extend front porch laterally by 6 feet, front yard setback projection.

Discussion:

- Board and applicant review of application and site plan.
- Ground level front porch projection of 6 ft depth x 8 ft length is allowable, appeal request for 12 ft total length of porch.
- Entry steps will be shifted to face the road.

Public Comment: *None*

MOTION:

By: E. Jent, seconded by: M. Weeden

IN REGARD TO APPEAL #2323, THE ZONING BOARD CHAIR REVIEWED THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND MAY CHECK NO OR SMALL IMPACT MAY OCCUR ON QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: J. Stearns, seconded by: E. Jent

MOTION TO APPROVE APPEAL #2323, CLASS B AREA VARIANCE FOR FRONT PORCH, WITH PORCH TO NOT EXTEND MORE THAN 5-3/4 FEET PAST THE FRONT OF THE HOUSE IN DEPTH AND NOT TO BE WIDER THAN 12 FEET IN LENGTH.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **third** item heard is appeal 2324, Joel and Karen Parker, Class B area variance request to rebuild side porch and add cover in pre-existing footprint into combined side yard setback.

Discussion:

- Board and applicant discussion of application and site plan.
- Porch already built, applicant was unaware a permit and/or variance request was required.

Public Comment: None

MOTION:

By: E. Jent seconded by: M. Weeden

IN REGARD TO APPEAL #2324, THE ZONING BOARD CHAIR REVIEWED THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND MAY CHECK NO OR SMALL IMPACT MAY OCCUR ON QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: P.J. Whitbeck, seconded by: M. Weeden

MOTION TO APPROVE APPEAL #2324, CLASS B AREA VARIANCE REQUEST TO REBUILD SIDE PORCH AND ADD COVER IN PRE-EXISTING FOOTPRINT INTO COMBINED SIDE YARD SETBACK, STRUCTURE NOT TO BE ENCLOSED IN THE FUTURE.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fourth** item heard is appeal 2325, Class B Area variance request to install pool into front yard setback and install 6 foot high privacy fencing into front yard setback, corner lot.

Discussion:

- Board and applicant review of application and site plan.
- Review of location of pool as it currently sits and location of proposed fencing from lot lines.
- Discussion regarding 30 ft x 30 ft property line triangle. Proposed fencing may not enter the area of the corner lot within the triangle formed by Hartwell Street and Waterhouse Street lot lines 30 feet distant from their points of intersection.

Public Comment: *None*

MOTION:

By: P. J. Whitbeck seconded by: M. Weeden

MOTION THAT THE BOARD APPROVE THE SHORT ENVIRONMENTAL ASSESSMENT FORM FOR APPEAL #2325, STATING THAT THERE IS LITTLE OR NO ENVIRONMENTAL IMPACT, NOTING THAT UNDER #8 B AND C SHOULD BE MARKED NO AND THAT THE BOARD CHAIR CHECK NO OR SMALL IMPACT MAY OCCUR FOR QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: M. Weeden, seconded by: E. Jent

MOTION TO APPROVE APPEAL #2325, CLASS B AREA VARIANCE REQUEST TO INSTALL POOL IN FRONT YARD SETBACK AND INSTALL 6 FOOT HIGH PRIVACY FENCING INTO FRONT YARD SETBACK, CORNER LOT WITH FENCE NOT TO ENCROACH INTO THE 30 FOOT X 30 FOOT TRIANGLE FORMED FROM PROPERTY LINES ON CORNER OF HARTWELL STREET AND WATERHOUSE STREET.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fifth** item heard is appeal 2326, Joan Janson, 29 Cogan Avenue, Class B area variance request to construct roof covering attached to garage, encroaching into rear yard setback and creating overage in lot coverage.

Discussion:

- Board and applicant review of application and site plan.
- Roof construction has begun, not completed. Applicant was unaware a permit and/or variance request would be required.
- Previous variance granted for overage of lot coverage with addition to home in 2017.
- Applicant and board discussion regarding written public comment submitted.
- Discussion regarding additional rear yard setback encroachment with addition of proposed attached roof.
- Discussion regarding current measurements of roof to rear yard property line. Differing measurements may or may not result in less encroachment into rear yard setback.

Public Comment: *(Written comment received and included as an attachment to minutes)*

Scot and Lorraine Broderick (written comment): Concerns shared concerning: 1) elevation of the property at 29 Cogan avenue and no drainage or dry well to deter drainage run off, 2) Structure is oversized for the property, 3) variance has already been granted, 4) structure is incomplete, deterring from neighboring property value.

MOTION:

By: P. J. Whitbeck seconded by: E. Jent

MOTION THAT THE BOARD APPROVE THE SHORT ENVIRONMENTAL ASSESSMENT FORM FOR APPEAL #2326, STATING THAT THERE IS LITTLE OR NO ENVIRONMENTAL IMPACT, AND THAT THE BOARD CHAIR CHECK NO OR SMALL IMPACT MAY OCCUR FOR QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: J. Stearns, seconded by: E. Jent

MOTION TO POSTPONE APPEAL #2326 FOR 2 MONTHS UNTIL WE HAVE AN ACCURATE MEASUREMENT OF THE EXISTING COVERAGE AND THE REAR YARD SETBACK

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **sixth** item heard is appeal 2327, Class B variance request to install 6 foot high privacy fencing into front yard setback, corner lot.

Discussion:

- Board and applicant review of application, plan, and location of proposed privacy fencing.

Public Comment: *None*

MOTION:

By: E. Jent, seconded by: M. Weeden

IN REGARD TO APPEAL #2324, THE ZONING BOARD CHAIR REVIEWED THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND MAY CHECK NO OR SMALL IMPACT MAY OCCUR ON QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: J. Stearns, seconded by: E. Jent

MOTION TO APPROVE APPEAL #2327, CLASS B AREA VARIANCE REQUEST TO INSTALL 6 FOOT HIGH PRIVACY FENCING INTO FRONT YARD SETBACK, CORNER LOT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: E. Jent, seconded by P.J. Whitbeck

MOTION TO APPROVE JUNE 21, 2022 MINUTES AS WRITTEN

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

Old Business:

Clinton County Planning Board Decision, Referral Number 68-22 regarding appeal #2321, Azur Datacenter special use permit request to convert vacant suites 101 and 121 into combined high density/cryptocurrency datacenter/server farm utilizing immersion cooling technology.

Discussion:

- Clinton County Planning Board decision is local issue with comments.
- Comments reviewed and discussed.

MOTION:

By: E. Jent, seconded by: P. J. Whitbeck

MOTION ACKNOWLEDGING CLINTON COUNTY PLANNING BOARD REFERRAL RESPONSE TO REFERRAL NUMBER 68-22, AND THAT IT WOULD NOT AFFECT OUR DECISION.

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: E. Jent, seconded by C. Hubbell

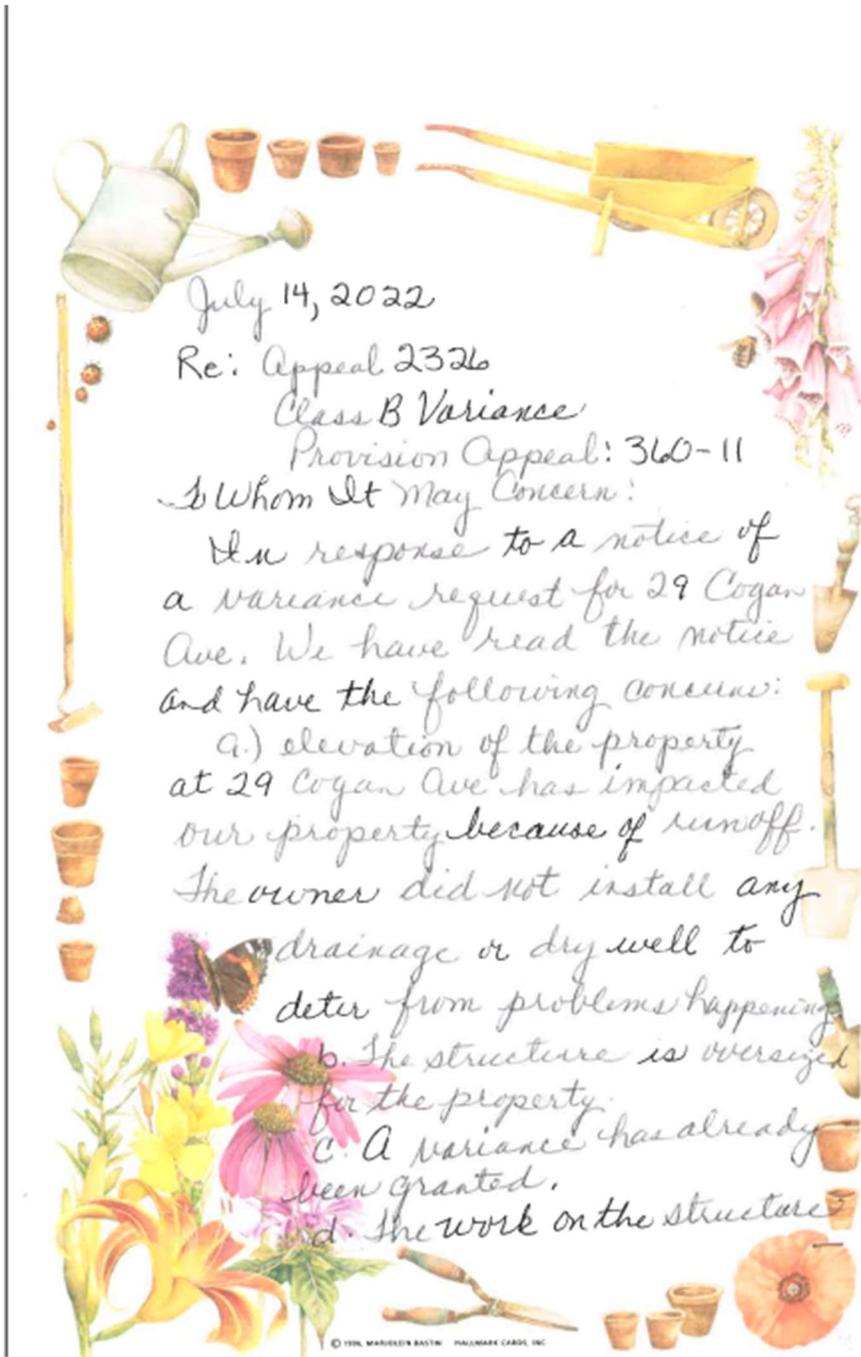
Adjourned at 8:32 PM

For the purpose of this meeting, this meeting was audio and video recorded. This is a true and accurate copy and transcription of the discussion. For a more detailed discussion, please see the recording.

Lisa Beebie
Secretary
Zoning Board of Appeals

ATTACHMENTS:

Public comment, Appeal #2326, Class B Area Variance, 29 Cogan Avenue:



is incomplete. There are still metal jacks under a roofline instead of a post. This detracts from our property value.

Therefore, in conclusion, we are using our right to say no to the request for another variance on property 29 Coogan Ave., Plattsburgh, New York.

Louaine Broderick
Pat Broderick